

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00270

MICHAEL D. WILLIAMS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 26, 2018, the United States of America appeared by W. Clinton Carte, Assistant United States Attorney, and the defendant, Michael D. Williams, appeared in person and by his counsel, Michael D. Payne, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Kara Dills. The defendant commenced a three-year term of supervised release in this action on August 30, 2016, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on June 11, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated state and local law by driving on a suspended license on October 18 and December 13, 2016, and September 16, 2017, for which he was cited on each occasion as more fully set forth in Violation No. 1; (2) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on September 20, October 6, 18 and 24, 2016, August 14, 2017, for cocaine; positive urine specimens submitted by him on May 4, June 13 and August 28, 2017, for marijuana; and a positive urine specimen submitted by him on August 9, 2017, for amphetamine, methamphetamine and marijuana; (3) the defendant failed to submit employment search forms as directed by the probation officer; (4) the defendant failed to report to the probation officer as instructed on February 7 and March 21, 2017; (5) the defendant failed to perform community service as directed by the probation officer on May 9, 2017; (6) the defendant failed to schedule an appointment for outpatient substance abuse treatment as instructed by the probation officer on May 9, 2017, and September 18, 2017; (7) the defendant failed to timely inform the probation officer that he had quit his

employment at Grumpy's Waterfront Grille; (8) the defendant failed to timely notify the probation officer of his contact with law enforcement on October 18, 2016; (9) the defendant failed to participate in group and individual substance abuse counseling as directed by the probation officer as more fully set forth in Violation No. 7; (10) the defendant failed to report for urine screens as instructed on January 19, March 3, May 10, June 5 and 28, July 17, August 3 and October 27, 2017; and (11) the defendant failed to pay restitution at the rate of \$50 per month as directed by the court inasmuch as he has only made one \$50 payment since supervision commenced on August 30, 2016, and no payments have been made since October 5, 2016; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

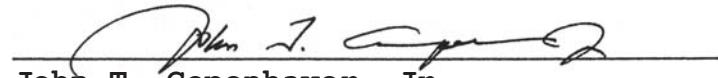
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of twenty-eight (28) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he make himself available for drug abuse counseling and treatment as directed by the probation officer, in particular during the first six months. Restitution is hereby reimposed in the amount of \$324,074.13 and the defendant shall make payments thereon as previously directed by the court, at the rate of \$50 per month, beginning on the first day of the second month after supervised release commences.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 7, 2018


John T. Copenhaver, Jr.
United States District Judge